

By: Ogden

S.B. No. 1490

A BILL TO BE ENTITLED

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AN ACT

relating to certain investigation requirements and other procedures in connection with an allegation of child abuse or neglect.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 261.302(e), Family Code, is amended to read as follows:

(e) An interview with a child alleged to be a victim of physical abuse or sexual abuse shall be audiotaped or videotaped unless the parents of the child are present for the interview or a court of competent jurisdiction, upon a finding of good cause, waives the requirement ~~[investigating agency determines that good cause exists for not audiotaping or videotaping the interview in accordance with rules of the agency. Good cause may include, but is not limited to, such considerations as the age of the child and the nature and seriousness of the allegations under investigation]~~. Nothing in this subsection shall be construed as prohibiting the investigating agency from audiotaping or videotaping an interview of a child on any case for which such audiotaping or videotaping is not required under this subsection. The fact that an ~~[the]~~ investigating agency failed to audiotape or videotape an interview is admissible at the trial of the offense that is the subject of the interview.

SECTION 2. Section 261.201(a), Family Code, is amended to

1 read as follows:

2 (a) Unless the child has already been returned to the  
3 parent, managing conservator, possessory conservator, guardian,  
4 caretaker, or custodian entitled to possession and the temporary  
5 order, if any, has been dissolved, a full adversary hearing shall be  
6 held not later than the 14th day after the date the child was taken  
7 into possession by the governmental entity. The parent, managing  
8 conservator, possessory conservator, guardian, caretaker, or  
9 custodian entitled to possession of the child may petition the  
10 court to hold the hearing on a date earlier than the date set by the  
11 court under this subsection.

12 SECTION 3. (a) This Act takes effect immediately if it  
13 receives a vote of two-thirds of all the members elected to each  
14 house, as provided by Section 39, Article III, Texas Constitution.  
15 If this Act does not receive the vote necessary for immediate  
16 effect, this Act takes effect September 1, 2003.

17 (b) The change in law made by this Act by the amendment of  
18 Section 261.302(e), Family Code, applies only to the investigation  
19 of a report of child abuse or neglect made on or after the effective  
20 date of this Act, without regard to whether the abuse or neglect  
21 occurred before, on, or after that date. The investigation of a  
22 report made before the effective date of this Act is governed by the  
23 law in effect on the date the report was made, and the former law is  
24 continued in effect for that purpose.

25 (c) The change in law made by this Act by the amendment of  
26 Section 262.201(a), Family Code, applies only to a hearing with  
27 regard to a child taken into possession by a governmental entity on

1 or after the effective date of this Act. A hearing with regard to a  
2 child taken into possession by a governmental entity before the  
3 effective date of this Act is governed by the law in effect on the  
4 date the child was taken into possession by the governmental  
5 entity, and the former law is continued in effect for that purpose.